

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Daniel B. Johnson,

Civil No. 05-1030 (PAM/JSM)

Petitioner,

v.

ORDER

Dean Mooney, Director of the
Minnesota Sex Offender Program,

Respondent.

This matter is before the Court on Petitioner's Objections to United States Magistrate Judge Janie S. Mayeron's Report and Recommendation (R&R) dated April 17, 2006. The R&R recommended that the Court deny the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, deny Petitioner's Application to Proceed in forma pauperis, and summarily dismiss this action with prejudice. The Court has conducted a de novo review of the Objections and the record. See 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). Based on that review, the Court overrules the Objections, finding that both the Objections and the Petition are untimely.

First, the Court overrules the Objections as untimely. Objections to the R&R were due on May 4, 2006. (Docket No. 9 at 10.) Because no objections to the R&R were timely filed, the Court adopted the R&R and dismissed this action on May 9, 2006. (Docket No. 10.) The Court's Order was filed May 10, 2006. (Id.) Later that day, Petitioner filed his Objections. (Docket No. 11.) Petitioner filed the Objections after the deadline imposed by the R&R, and he did not seek permission to file untimely objections. Moreover, the Court's Order denying the Petition and dismissing the case was filed prior to the Objections.

Second, the Petition for Writ of Habeas Corpus fails as a matter of law, as it is barred by the one-year statute of limitations set forth in 28 U.S.C. § 2244(d). Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's Objections (Docket No. 11) are **OVERRULED**;
2. The Court's Order of May 9, 2006 (Docket No. 10) remains in effect; and
3. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DISMISSED with prejudice**.

Dated: May 22, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge